

CRUZ) was added as a cosponsor of S. Res. 391, a resolution expressing concern about the rise in illicit mining and trafficking of gold in Latin America and the pervasive problem that such mining poses for the security, stability, and environment of the region.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE (for himself and Mr. WARNER):

S. 2883. A bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit; to the Committee on Finance.

Mr. KAINE. Mr. President, today, I want to discuss legislation I am introducing, the School Infrastructure Modernization Act.

To claim the Federal tax credit for historic preservation, a building renovation must be for a different purpose than that for which the building was previously used, a requirement known as the "prior use" rule. This bill waives that requirement for renovations of K-12 public school buildings. This will make it easier to restore historic-but-dilapidated school buildings across the country so our children have safe, modern spaces in which to learn.

As a Richmond City Council member and later mayor, I faced challenges familiar to many municipalities: overcrowded schools, aging buildings, and limited dollars in the budget. But in one particular case, I and a group of local stakeholders identified a creative solution. On one hand, we had an overcrowded Thomas Jefferson High School with in-zone and magnet students. On the other hand, we had a closed Maggie Walker High School that needed renovations. We put together a financing package that made use of Federal and State historic tax credits to renovate Maggie Walker High School and satisfied the prior use rule by consolidating the magnet program from Thomas Jefferson into a new Maggie Walker Governor's School for Government and International Studies. Today, some 20 years later, this is one of America's highest performing public high schools. Without the Federal historic tax credit, this would have been too expensive to make happen.

This bill will make it easier to do similar projects around the country. More modern school buildings will bolster the quality of public education, and carrying out these projects will generate private sector infrastructure investment and jobs. In Virginia alone, according to a 2013 study, more than 800 K-12 schools are at least 50 years old, representing some 40 percent of all the K-12 schools in the Commonwealth.

As the Senate considers tax reform and a comprehensive infrastructure package, I encourage my colleagues to support this common-sense incentive that is good for education, good for infrastructure, and good for jobs.

By Ms. HIRONO (for herself and Mr. SCHATZ):

S. 2884. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide research and extension grants to combat plant pests and noxious weeds that impact coffee plants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. HIRONO. Mr. President, I rise today to introduce the Coffee Plant Health Initiative Amendments Act, a bill that allows the Secretary of Agriculture to provide research and extension grants for the purposes of protecting coffee plants from outside threats such as invasive pests and weeds.

Coffee serves as a cornerstone of Hawaii's agricultural industry, both in terms of culture and economics. Coffee has been grown in Hawaii for almost 200 years and is revered all over the world for exceptional quality and taste. Coffee is grown on every main island in Hawaii, with half of the acreage on Hawaii Island and the other half spread across Kauai, Oahu, Maui, Molokai, and Lanai. Hawaii remains the largest grower of coffee in the United States, with over 27 million pounds produced and yielding just over \$54 million during the 2019-2020 season.

Like all natural ecosystems in Hawaii, coffee production has experienced numerous threats from pests and weeds. These include the black twig borer, root-knot nematode, green scale, crab spider, coffee berry borer, and coffee leaf rust, to name a few. In response to the 2010 arrival of the coffee berry borer in Hawaii, I successfully included the coffee plant health initiative provision in the 2014 farm bill. This provision allowed the Secretary of Agriculture to provide research and extension grants to help the coffee community combat the coffee berry borer. The resulting Federal assistance provided has been instrumental in providing coffee producers the tools they need to protect their coffee crops from the coffee berry borer.

Within the past year another coffee pest has emerged in Hawaii, a fungus known as Coffee Leaf Rust. Like the coffee berry borer, Federal funds are needed to research and develop pest management strategies to equip coffee producers with the knowledge and tools necessary to safeguard their coffee yields.

This bill builds upon the 2014 farm bill coffee plant health initiative provision by expanding the scope of research and extension grants to all invasive pests and noxious weeds threatening the coffee industry, not just the coffee berry borer. While our researchers and coffee growers are currently battling coffee leaf rust, future pest and weeds not currently in Hawaii, like the Coffee Leaf Miner and Coffee Wilt Disease, are likely to emerge. This expansion of the coffee plant health initiative will provide much needed Federal resources to help our coffee community quickly respond to the myriad pests waiting in the wings.

This bill is supported by the University of Hawaii at Manoa College of

Tropical Agriculture and Human Resources, the Hawaii Coffee Association, the Kau Coffee Growers Cooperative, Kauai Coffee Company, LLC, Puerto Rico Coffee Roasters, LLC, and the Puerto Rico Farm Bureau.

By Mr. PADILLA (for himself, Ms. COLLINS, Mr. SCHUMER, Mr. BOOKER, Mr. HICKENLOOPER, Ms. ROSEN, Ms. SMITH, Mr. KING, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MURPHY, Mr. WYDEN, Mrs. MURRAY, Mr. VAN HOLLEN, Mr. OSSOFF, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. MARKEY, Mr. PETERS, Ms. WARREN, and Ms. DUCKWORTH):

S. 2887. A bill to codify the existing Outdoor Recreation Legacy Partnership Program of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PADILLA. Mr. President, I rise to introduce the bipartisan Outdoors for All Act.

This legislation would ensure that access to local parks and outdoor recreation is equitable and available to all.

The Outdoors for All Act would codify and guarantee annual funding for the Outdoor Recreation Legacy Partnership program, which provides grants to build new outdoor recreation spaces, improve existing parks, and form connections between underserved, urban communities and the outdoors.

It specifically invests in parks and open spaces in areas where 80 percent of Americans live. Any urban area with a population of at least 30,000 can qualify for grants, which can benefit residents in all 50 States.

These grants would fund projects in park-poor, urban communities, and the bill would require the National Park Service to prioritize projects that support underserved communities, provide job-training to youth, and leverage resources through public-private partnerships.

As our cities grow and the effects of climate change intensify, this bill will increase equitable access to the many benefits of local parks, from job creation, to shade and tree cover, to clean air.

Nationwide, 100 million people, including 28 million children, do not have a park within a half-mile of home. That is almost one third of America.

Additionally, in the 100 most populated cities, neighborhoods where most residents identify as Black, Latino, American Indian/Alaska Native, or Asian American and Pacific Islander have access to an average of 44 percent less park acreage than predominantly White neighborhoods.

For example, in Los Angeles, low-income communities and communities of color lack equal access to parks; a Los Angeles County survey found that Compton reported only 0.6 acres of parkland per 1,000 residents, in contrast to Malibu, which has 55.5 acres of parkland per 1,000 residents.

This bill would address this staggering inequity in Los Angeles and across the country and make equity and justice a key focus of park investment and planning.

I thank my colead Senator COLLINS and all of the bill's cosponsors for championing this effort with me in the Senate. I also thank Congresswoman BARRAGÁN for her steadfast dedication to park equity.

I look forward to working with my colleagues to pass the Outdoors for All Act as soon as possible.

Thank you.

By Mrs. FEINSTEIN:

S. 2888. A bill to reduce passenger, crewmember, and airport personnel risk of exposure to COVID-19, decrease the risk of transmission of COVID-19 on board aircraft and to United States destination communities through air travel, and protect children and other vulnerable individuals by preventing further spread of COVID-19 in the United States; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the U.S. Air Travel Public Safety Act. This bill would require airline passengers flying domestically to provide proof that they are fully vaccinated and also encourage more healthcare workers to be vaccinated against COVID-19.

The rise of the Delta variant and the latest COVID-19 surge in the United States continue to hit hospitals hard, and nearly all patients who are hospitalized or dying from COVID-19 are unvaccinated.

According to the Centers for Disease Control and Prevention, surveillance data has shown that even after the more transmissible Delta variant became dominant during the summer, people who were fully vaccinated were still about five times less likely to be infected and more than 10 times less likely to be admitted to the hospital or die compared to those unvaccinated.

Further CDC studies have supported that our vaccines remain effective against the severe consequences of COVID-19. For this and other reasons, we must take every opportunity to get all eligible Americans vaccinated as quickly as possible.

We know that travel is a significant factor in the spread of COVID-19. According to a study published in the "Proceedings of the National Academy of Sciences," people traveling to other counties or States last year contributed to higher COVID-19 case numbers in their destination communities. This was especially true during the 2020 summer and winter holidays.

As friends and family gathered together for Thanksgiving, in particular, we experienced the start of major back-to-back surges that would culminate into the highest daily cases, hospitalizations, and deaths reported nationally during the pandemic.

While scientists aren't expecting COVID-19 peaks to reach these levels

again, hospitals may still find themselves overwhelmed if large numbers of COVID-19 and influenza hospitalizations coincide this winter.

The U.S. Air Travel Public Safety Act would add an additional preventative layer to COVID-19 safety measures for domestic air travel. Specifically, it would require airline passengers to provide proof of vaccination before boarding a domestic flight within the United States.

The bill would also offer alternatives to airline passengers not yet fully vaccinated by allowing them to provide either proof of a negative COVID-19 test result or documentation proving that they have recovered from COVID-19.

Current CDC guidance notes that fully vaccinated travelers are much less likely to get and spread COVID-19 than people who are unvaccinated. Furthermore, new research published in a Mayo Clinic Proceedings study shows that COVID-19 testing requirements for airline passengers could have a meaningful effect on detecting active infections either immediately before or after a flight.

This legislation builds on current requirements in place since January 2021 that require proof of a negative COVID-19 test result for all airline passengers, including U.S. citizens, arriving from a foreign country to the United States. Many Americans have already experienced this process, and airlines are required to collect this passenger COVID-19 information on behalf of CDC.

When added to current safety interventions required for domestic flights, these measures could decrease the risk of transmission during air travel, as well as the potential of air travelers spreading COVID-19 at their destinations.

The bill would also require CDC's Advisory Committee on Immunization Practices—ACIP—to develop recommendations for COVID-19 vaccine use in healthcare settings and among health care personnel in other settings. ACIP currently recommends that healthcare personnel be vaccinated for vaccine-preventable diseases, such as Hepatitis B, measles, and influenza.

ACIP's recommendation for the COVID-19 vaccine would further encourage health workers to get the shot and reduce the chances of spread. This is particularly important as vaccination rates among health workers remain lower than optimal.

This legislation may also positively affect vaccine acceptance among the general public. According to a poll by the Kaiser Family Foundation, about 3 in 10 people surveyed who were waiting to be vaccinated said they would be more likely to get vaccinated if airlines required passengers to be vaccinated. This number increased to about 4 in 10 among unvaccinated individuals who said they would only get the vaccine if required.

We must ensure the millions of airline passengers that crisscross our

country aren't contributing to further COVID-19 transmission. This is especially critical for young children, who remain ineligible to be vaccinated and are increasingly accounting for reported COVID-19 infections nationwide.

I want to thank the Infectious Diseases Society of America for their support for this bill. Getting vaccinated is a matter of life and death, and it is the only option to safely returning to normalcy. I look forward to working with my colleagues on this important issue, and I urge my fellow Senators to support the U.S. Air Travel Public Safety Act.

Thank you.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2891. A bill to amend title 35, United States Code, to address matters relating to the Patent Trial and Appeal Board of the United States Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, 10 years ago this month, Congress worked on a broad bipartisan basis to pass the Leahy-Smith America Invents Act, the biggest change to the United States patent laws in half a century. The patent system exists to create incentives that promote the progress of science and the useful arts for the benefit of the public. Our whole economy depends on a working patent system that reinforces high-quality patents while ensuring that poor-quality patents cannot throw a wrench into the gears. Today, I am proud to introduce, alongside Senator CORNYN, the bipartisan Restoring the America Invents Act to ensure that the improvements we made to maintain high patent quality in the Leahy-Smith Act continue to work as Congress intended.

One of the challenges we confronted 10 years ago was that too many invalid patents were being issued. Instead of rewarding true innovation, these patents were being used to indefinitely extend monopolies, quash competition, and harm American consumers. For example, in the pharmaceutical industry, brand-name drug companies would artificially extend a drug's patent term by patenting minor and insignificant changes to the underlying product. In other industries, entities that did not even make products would buy up tens of thousands of questionable patents covering simple and obvious actions like doing business on the internet, and they would sue thousands of small businesses that sold innovative products online.

One of the biggest accomplishments of the Leahy-Smith Act was that it empowered members of the public to challenge a patent's validity at the U.S. Patent and Trademark Office—PTO—directly, providing a faster, less expensive, and more accessible avenue than litigation in the courts. These proceedings, called inter partes review

and post-grant review, have been wildly successful. According to one economic impact study, in one 5-year period, the Leahy-Smith Act saved the U.S. economy \$2.64 billion in litigation costs alone, with more than \$1 billion more in added personal income for Americans.

The Leahy-Smith Act's new proceedings have been used thousands of times and have had the aggregate impact of improving the quality of patents in our patent system. Unfortunately, over time and especially during the last administration, the PTO has limited the availability of these proceedings beyond what Congress intended. The PTO began routinely declining to hear challenges brought by members of the public, even when those challenges met timing requirements, met all other statutory criteria, and would have likely succeeded on the merits. In 2020, roughly one in five challenges was summarily denied proceedings by the PTO, undermining the intent of the Leahy-Smith Act.

Furthermore, whether a patent is valid should not depend on which party is in the White House or what individual is in charge of the agency. During the last administration, there was reported nontransparent meddling by the PTO Director in the work of the administrative patent judges who were making inter partes and post-grant review decisions. While the Supreme Court has recently held that the PTO Director should have the last word on patentability decisions, the public deserves to know when decisions are being made by dedicated civil servant judges and when they are being made by the politically appointed Director.

This bill fixes both problems and generally restores the Leahy-Smith Act to what Congress intended 10 years ago. It requires institution of inter partes review petitions that meet the statutory criteria and further encourages district courts to stay litigation when a parallel proceeding at the PTO will resolve the same validity issues. The stay factors in this bill are intended to put a heavy thumb on the scale in favor of a district court stay, preventing duplicative proceedings, and protecting patent owners from having to repeatedly defend their patents. The Restoring the America Invents Act further imposes transparency. The PTO Director must provide a separate written opinion when overriding part or all of a decision of administrative patent judges, and the PTO Director may not interfere in any way in the judges' initial decisionmaking. The public and any reviewing court should get to see the judges' decisions first, before any political actor might change the outcome.

This bill further clarifies other aspects of the Leahy-Smith Act. It clarifies the intent of the Leahy-Smith Act that the PTO can address, in inter partes review proceedings, certain clear instances of invalidity: double patenting, where applicants amass doz-

ens of patents covering trivial iterations of an already-patented drug or other product; and admissions by the patent owner, in the patent itself, that someone else first came up with the invention. It clarifies that, when patent owners want to amend their patent claims during these post-issuance proceedings, the PTO must fully examine and vet those claims before issuing them. Likewise, the bill prohibits the PTO from issuing new claims to a patent that are essentially the same as existing claims, addressing the problem of patent thickets. And the Restoring the America Invents Act addresses multiple related proceedings pending at the PTO, specifying that the PTO must decide ahead of time how to proceed, to avoid conflicting outcomes from separate parts of the agency. This is in addition to the agency's ongoing obligation to make rules addressing common situations, such as under 35 U.S.C. §316(a)(4). The PTO should study frequent scenarios and determine whether new regulations are needed to address them.

Fundamentally, we need to address why the PTO issues invalid patents in the first place. But when these invalid patents have already been issued, they need to be addressed on the back end. On this 10th anniversary of the Leahy-Smith Act, I am proud to introduce this bill—the Restoring the America Invents Act, that will restore the patent system so it can continue to accomplish its goals into the next decade and beyond, reinforcing high-quality patents while ensuring that poor-quality patents don't disrupt the American economy, costing Americans untold sums in unreasonable drug costs and overly inflated prices generally. I am excited to work alongside Senator CORNYN, on a bipartisan basis, to pass this important piece of legislation. The Founders envisioned the patent system to promote the progress of science and the useful arts for the benefit of the public. It is time to get back to the Founders' vision. I hope the Senate will act quickly to pass this critical legislation.

By Mr. SCOTT of Florida (for himself, Ms. LUMMIS, Mr. JOHNSON, Mr. LEE, and Mr. MARSHALL):

S. 2895. A bill to prohibit the Department of Transportation and other agencies from promulgating rules requiring a person to provide proof of COVID-19 vaccination in order to engage in interstate commerce or travel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SCOTT of Florida. Mr. President, the past 18 months have been trying for our Nation.

Thankfully, the vaccine has brought normalcy back to the lives of many Americans. In record time, thanks to the hard work of the Trump administration and scientists across our country, we developed a safe and effective

vaccine to protect Americans against COVID-19.

These vaccines show us what can happen through cooperation, ingenuity, and hard work. And I am grateful for all those who helped us get here. I got the vaccine and encourage everyone to talk to their doctor and consider doing the same. That is what we all should do: give Americans all the information and data so that they have everything they need to make a good decision for their family.

That is exactly what I did when I was Governor of Florida in the face of life-threatening hurricanes. I made sure Florida families were well informed. I went out and made sure everyone knew exactly what to expect and how dangerous the storm could be, but I didn't issue mandates because that is not what governments should do.

When I was Governor of Florida, we had the Zika healthcare crisis, which impacted newborns. Rather than placing mandates on pregnant women or restricting their travel to areas with local transmission of Zika, we simply informed Floridians, worked to be as transparent as possible, and offered free Zika testing to all pregnant women in Florida.

Unfortunately, the Biden administration has gone in the complete opposite direction. The White House has tried to use the new OSHA guidance to create fear; push another round of trillions of dollars in reckless, wasteful spending; lock down our Nation; close our schools; and kill the economy that so many Americans have worked so hard to preserve and protect.

Americans are sick and tired of the government telling them what to do, and the American people are more than capable of making the right choices to protect themselves, their families, and their neighbors.

As families and businesses in Florida and across the U.S. continue to work hard to recover from COVID-19's devastation, travel is critical to getting our economy fully reopened. America's truckers, shippers, pilots, and deliverymen and -women play an important role in delivering the goods needed to keep our economy going. Everything from gas and groceries to packages from small businesses and department stores, they help keep this country running. They also haven't had the luxury of working from home. For 18 months, they have shown up to work. They have figured out how to be safe without the feds telling them what to do.

But the job-killing Biden White House is now considering requiring those engaged in interstate commerce or interstate travel be vaccinated and provide proof of vaccination and a vaccine passport.

The Federal Government has no business imposing vaccine mandates on the American people and our hard-working businesses. This proposal reeks of a power grab and is another attempt by the Biden White House to control

Americans. The Biden administration wants to control Americans through fear and mandates so the Federal Government is touching every single part of your life.

I won't stand for it. Americans won't stand for it. They know that such an order is an overreach of power. Americans should be free to make choices they feel are in the best interests of their own health and the health of their loved ones, and the Federal Government has no business requiring travelers to turn over their personal medical information in order to make a delivery or to catch a flight.

I believe Floridians and Americans across this country know what decisions are best for them. They don't need the Biden administration controlling their lives.

The Supreme Court has already ruled that the Federal Government can't force people to purchase health insurance under the Commerce Clause. Why would President Biden think he could do so with a vaccine mandate?

In December, President Biden promised—promised—he would not require Americans to be vaccinated or require that they carry vaccine passports—promise by President Biden. The new OSHA order breaks that promise. It has been one lie after another with this President.

Today, I am introducing legislation which will prevent unconstitutional vaccine mandates for interstate commerce. I am thankful for Senators JOHNSON, LUMMIS, MARSHALL, and LEE cosponsoring this legislation and for Congressman DAN CRENSHAW, who is introducing the companion bill in the House of Representatives.

We are working to make sure that families across our country can travel freely and businesses can conduct interstate commerce without the ridiculous government bureaucracy created by vaccine passports.

This bill would prohibit the Department of Transportation, the Department of Commerce, and other Federal Agencies from requiring proof of vaccination or the use of a vaccine passport to engage in interstate commerce or travel.

It protects people like my dad, who used to drive a truck and would carry goods across State lines. It protects the rights of American citizens, as laid out in our Constitution.

President Biden is trying to upend our way of life and impose his view of health on every American—and I am here to say that I won't stand for it.

Now, I would like to yield to my friends Senator JOHNSON and Senator LEE, as they will talk about this same bill.

THE PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise in support of Senator SCOTT's bill. I want to make a few different points. First of all, I don't believe this administration or people who support the mandates are really thinking the proc-

ess through as to how devastating these mandates are going to be on our economy.

Well before the President even announced his unlawful regulatory initiative, I was hearing from truckdrivers; I was hearing from nurses and doctors who have already had COVID, who had natural immunity, who are looking at, for example, the reports, are looking at some of the data and science saying that natural immunity is 13 to 27 times more effective than the vaccine, and they have chosen not to get it.

President Biden promised the American public he wouldn't mandate this. He said: "I don't think it should be mandatory. I wouldn't demand it to be mandatory."

His Press Secretary, Jen Psaki, said it is not the Federal Government's role.

I agree. The President also said: "This is not about freedom or personal choice."

No, this is exactly about freedom and personal choice.

I have written so many oversight letters to the healthcare Agencies. I completely agree with Senator SCOTT. I was a big supporter of Operation Warp Speed. I have gotten every vaccine until this one because I have had COVID, but the Federal Agencies have not been transparent. They have not given the American public information that we need to make that informed choice.

We need to recognize people's health autonomy. This is their body. They should be able to make these choices.

I want to talk a little bit about some of the information we are not getting from our healthcare Agencies that people who are choosing not to get vaccinated are looking at. And it is not disinformation. This is real information. It is just being withheld from the public by our healthcare Agencies, by the media, and the social media.

The first thing I want to show is a chart that I put together. Again, this is real data. This comes from the CDC in terms of the number of new cases per day, as well as the number of deaths per day. The deaths are down here in a very thin red line. But you can see by this chart that in terms of the surge of the initial Alpha variant of COVID, it pretty well peaked late December, early January.

The vaccines got the emergency use authorization about mid-December. The orange line shows the percent of Americans vaccinated, fully vaccinated. You can see the initial surge, the initial pandemic, was winding down before the vaccines even could take effect.

Now, again, we all hoped and prayed that the vaccine would be 100 percent effective and 100 percent safe. But when you look at this chart, as the pandemic is winding down, the percent of fully vaccinated individuals are going up, you would think—again, you would think what you would see is just a complete winding down of the pan-

demic. But that is not what we have seen.

We have seen this new surge, this new surge of a variant called Delta. So what are we to make of this? Again, I am not a doctor; I am not a medical researcher—but I look at this, and I am going, well, it certainly doesn't look like the vaccine has been particularly effective against the Delta variant.

But let's look at some data, the type of data that we are not getting from our healthcare Agencies. So we have to look, unfortunately, to England and to Israel that are more transparent. I don't expect anybody to be able to read the figures here. I will give you the highlights, but I am showing that this is from Public Health England. This is one of their Federal healthcare Agencies. This is from their technical briefing No. 23, dated September 17, 2021. It covers cases for about 7½ months, from the beginning of February to February 12. What the data shows is that during that 7½-month period in England, there are about 750,000 new COVID cases. A little under 600,000 of those were the Delta variant, about 80 percent. The number of deaths associated with those 600,000 Delta cases was 2,542, which gives us a case fatality ratio of about 0.4.

Now, again, case fatality is higher than infection fatality because these are actually registered cases, and there are all kinds of infections that never get registered. So to put this in context, an infection fatality rate for a bad flu season is slightly under 0.2, half of this. Again, put things in perspective.

Now, President Biden—and this has been parroted by media, news media—said that what we are currently experiencing is a pandemic of the unvaccinated. They don't give us, really, any data to back that up; they just proclaim, pronounce, that 99 percent of people with COVID now are unvaccinated, but they don't give us the data.

We have data from England. And here is the data. So of the 600,000 cases in England, 43 percent were with the unvaxxed; 27 percent were with the fully vaxxed; another 30 percent were partially vaxxed or just undetermined. But I think what is interesting—here is another quote from President Biden—President Biden said: If you are vaccinated, you are not going to be hospitalized; you are not going to an ICU unit; you are not going to die; you are not going to get COVID if you have these vaccinations.

Well, maybe that is true in the United States. I kind of doubt it because in England, of the 600,000 new cases of Delta, of the over 2,500 deaths—63 percent of those deaths—1,613 people were fully vaccinated. Twenty-eight percent were with the unvaxxed.

This is information the American people probably never heard. It is information, by conveying it, I will get attacked. I will be vilified. I will be

censored. I will be suppressed. It is one of the reasons I come to the floor of the Senate to reveal this information that the American people need to know.

Let me close with something else that certainly nurses know, nurses who were our heroes. They had the courage and compassion to treat COVID patients. Many got infected; some tragically died; most survived. Now, many of those nurses are treating the vaccine injured.

Let me just quick quote a couple of figures from the CDC's own safety early surveillance system—the VAERS report, the Vaccine Adverse Event Reporting System. Worldwide, from a couple of weeks ago—these numbers are pretty fresh—there have been over 15,000 deaths reported on VAERS. Now, I realize VAERS does not prove causation. But of those 15,000 deaths, over 5,000 of those deaths have occurred on days 0, 1, or 2 following vaccination.

Now, again, it doesn't prove causation, but if I were working at the CDC, I would be looking at that very closely and analyzing those cases. The final number, total adverse events, on the VAERS system in 10 months, since the COVID vaccines have been under emergency use authorization, over 725,000 adverse events. So, again, I was hoping and praying this vaccine was 100 percent effective, 100 percent safe, but that does not appear to be the case.

And I believe this administration, I believe our healthcare Agencies need to be honest and transparent with the public. They have not been. The American people have the right to choose. It should not be mandated. We should respect their personal choice. We should respect their freedom.

And I will just close on—I will be bringing more information as we discuss other ways to push back on these mandates over the next few days, so stay tuned.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, during this pandemic, the people of the United States have seen the Federal Government intrude into their lives more frequently and more completely than ever before. President Biden didn't make any pretense about this. He didn't mince any words. He didn't sugarcoat it. He didn't even try to hide behind any veneer when he spoke to the American people. He said: "Our patience is wearing thin."

This five-word expose of the President's thinking is deeply troubling. It is not the kind of sentiment you ever want expressed within a Free Republic, not from the Chief Executive.

To say "our patience is wearing thin" might be something that you say of a foreign adversary. It might be something you say of a subordinate within government, someone who reports up to the President. It is not something you say of the people—the people who, in our system, collectively, are the sovereign.

It is only by the consent of the governed that our government has its legitimacy, and to denigrate the American people that way is not consistent with who we are. It is not consistent with our form of government.

So I find that five-worded mission of how he views the American people worrying in its own right. But I find it nothing short of horrifying that he—as if acting as some sort of omnipresent nanny state disciplinarian executive is now set to plunge even more deeply into everyday lives of the American people.

We are here today to remove one of the options from the unconstitutional buffet of strong-armed Executive tactics used by President Biden in connection with COVID-19. Requiring proof of vaccination for interstate travel would create millions of second-class Americans. And it would make all Americans subject to a form of government and a type of power to which we are not accustomed. And that is really ill-suited for our Constitution structure.

The Constitution itself protects Americans from this type of action. The Privileges and Immunities Clause and the Fourteenth Amendment grants Americans the right to freely travel between the States. There is no precedent for the Federal Government requiring anything like vaccination before traveling domestically. There is no precedent because there is no legitimate Federal power in this area to begin with.

It is important to remember that the Federal Government doesn't have what we call general police powers. These are the basic powers of government that are there to protect life, liberty, and property and to focus on things like health, safety, and welfare.

You see, State governments retain this general police power. Remember that James Madison, in Federalist No. 45, described the powers given to Congress as few and defined and those reserved to the States as numerous and indefinite.

The Founding Fathers understood what general police powers were. They deliberately, consciously, intentionally, and with very good reason did not give those powers to the Federal Government.

So as a result, the Federal Government doesn't possess, under the Constitution, the ability to pass laws or regulations of this sort. No, in our system of government—our national government—this Federal Government has to pass only those laws that are within these powers that are few and defined, those enumerated in the Constitution.

The President of the United States, under our Constitution, does not, moreover, have any kind of unilateral lawmaking authority whatsoever. So the power is not Federal in the first place. And even if it were a proper Federal power, which it is not, it is a legislative power that he is trying to wield here. Only we can give him that. Only we can enact legislation.

Article I, section 7, makes it very clear that if you are going to change the legal status quo, if you are going to establish policy at the Federal level that will carry the force of generally applicable Federal law, you have to be acting within one of Congress's enumerated powers.

But more importantly here, under article I, section 7, you have to have passage in the House; you have to have passage in the Senate of the same legislative vehicle, followed by presentment to the President of the United States. That formula hasn't been followed here. We have no Federal law on this as a result of that. We, thankfully, got rid of a King back in 1776. We have never gone back—never looked back and longed for the Union Jack. We shouldn't be anxious to convert the Presidency into a type of monarchy, even if it is a mini monarchy.

Beyond the constitutional problems, requiring vaccine passports for domestic travel within the United States would place a huge burden on not only the American people, but also on airlines and on other businesses that are already hard hit by the pandemic. Multiple major airlines have already expressed their concerns with a vaccine passport mandate.

Look, the last thing the American people need is more mandates and restrictions preventing them from making their own reasonable decisions. Americans deserve to be able to make a living and to be able to engage in interstate commerce and to travel interstate without mandates making them choose between providing for their families and undergoing a medical procedure against their will.

That is why I am fighting President Biden's existing mandate and fighting against future intrusions by the executive branch into the lives of Americans.

The bill offered by my friend and colleague, the Senator from Florida, would ensure that Federal Agencies cannot attempt to impose vaccine requirements for interstate travel or commerce. I am proud to be here in support of this bill. I am proud to defend Americans and their constitutional rights. I hope we can protect millions of our fellow citizens and the American way of life by passing this bill.

THE PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, under no circumstances should the Federal Government attempt to mandate these vaccines and require proof of vaccination in order to conduct business.

Small business owners who are trying to restart their businesses, families trying to take vacations, and truckers who are getting back to work shouldn't have to choose between living their

lives and meeting President Biden's demands.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 394—RECOGNIZING THE 25TH ANNIVERSARY OF RADIO FREE ASIA AND ITS MISSION TO PROVIDE AN INDEPENDENT SOURCE OF NEWS TO CLOSED SOCIETIES IN ASIA

Mr. COONS (for himself and Mr. PORTMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 394

Whereas, after the 1989 Tiananmen Square Massacre, a bipartisan group of Senators and Members of the House of Representatives, led by then-Senators Joseph R. Biden and Jesse Helms, came together and sponsored legislation to create Radio Free Asia, a news outlet with a congressionally-mandated mission to provide unbiased, independent, and domestic journalism for audiences in China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam, whose people do not fully enjoy freedom of expression;

Whereas Radio Free Asia—

(1) was established by United States law as part of the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.);

(2) was incorporated as a private, nonprofit corporation on March 11, 1996; and

(3) made its inaugural broadcast in Mandarin to the Chinese people on September 29, 1996;

Whereas Laos, Vietnam, China, and North Korea rank amongst the worst 9 countries in the world for media freedom in the 2021 World Press Freedom Index, as based on an evaluation of pluralism, independence of the media, quality of legislative framework, and safety of journalists;

Whereas Radio Free Asia delivers programming and content using many media platforms, including radio, television, and the internet, in the languages of Mandarin, Korean, Burmese, Tibetan, Uyghur, Khmer (Cambodian), Cantonese, Lao, and Vietnamese, and through English translations and content on the website and social media of Radio Free Asia;

Whereas Radio Free Asia launched BenarNews in 2015, an online news affiliate that publishes news and content for audiences in Indonesia, Bangladesh, Malaysia, Thailand, and the Philippines that is focused on the consequences of extremism and contributes to coverage by Radio Free Asia of the influence of the People's Republic of China in Southeast Asia and the expanded military presence of the People's Republic of China in the South China Sea;

Whereas Radio Free Asia in 2020 launched online brand, WHYNOT/WAINAO, engaging younger Chinese Mandarin-speaking audiences around the world, who are often skeptical of pervasive Chinese government narratives, fostering an open dialogue on banned or under-covered topics through probing independent-thinking journalism, features, and content;

Whereas Radio Free Asia, consistent with its congressional mandate of editorial independence, works to ensure that its journalists and services adhere to the highest journalistic standards and ethics, without influence or interference by the United States Government or any Administration;

Whereas the Uyghur Service of Radio Free Asia has served a vital role by providing an

independent source of information on the repression and mass detention of Uyghurs and members of other ethnic and religious minorities in the Xinjiang Uyghur Autonomous Region of the People's Republic of China;

Whereas the documentation of abuses in the Xinjiang Uyghur Autonomous Region by Radio Free Asia has helped inform the policies of the Congress and the Executive Branch, including a determination by the State Department that the Chinese government, under the direction of the Chinese Communist Party, is engaged in genocide against Uyghurs and members of other ethnic and religious minority groups;

Whereas Radio Free Asia has documented the rapid deterioration of autonomy and democratic freedoms in Hong Kong by the Chinese central government, including restrictions on freedom of speech and the press and crackdowns on activists, journalists, and protesters;

Whereas Radio Free Asia has been a primary source of information on Tibetan regions in the People's Republic of China, including on the March 2008 Lhasa Uprising and ensuing security crackdown, the spate of Tibetan self-immolations, and restrictions on Tibetan language, education, religious practice, and the display of images of the Dalai Lama;

Whereas, in March 2020, Radio Free Asia reported that the Chinese government was under-reporting the number of coronavirus fatalities in Wuhan province, which was later verified by leaked internal Chinese documents obtained by other news outlets;

Whereas Radio Free Asia has provided the Burmese people with continuous coverage of the 2021 military-led coup that deposed the elected government and ended 10 years of democratic reforms and growth of civil society;

Whereas, in 2017, Radio Free Asia documented the human rights abuses against and expulsion of Rohingya from Burma, whose plight Radio Free Asia affiliate BenarNews has continued to cover in refugee camps in Bangladesh;

Whereas Radio Free Asia has done in-depth reporting on the behavior of the North Korean government, including the use of forced labor, political prisoner camps, activities at nuclear testing sites, and internal acknowledgments of the presence of COVID-19 in the country;

Whereas high-level defectors and refugees from North Korea have credited reports by Radio Free Asia as a factor in their decision to leave the country and seek their future beyond the North Korean borders;

Whereas the Lao, Khmer (Cambodian), and Vietnamese services of Radio Free Asia have reported on high-level corruption of officials and leaders, silencing of independent voices and journalists, and the struggles of civil society, as well as activities by China that affect the flow of the Mekong River;

Whereas the journalism by Radio Free Asia has earned recognition among its peers, is cited by respected international and regional media outlets, and has won numerous awards for its investigative reporting and exclusive features from journalistic and human rights groups;

Whereas Radio Free Asia has been unjustly targeted by repressive regimes, with its websites blocked, its radio signals jammed, and its journalists put at risk;

Whereas Nguyen Tuong Thuy, Truong Duy Nhat, and Nguyen Van Hoa, contributors to the Vietnamese Service of Radio Free Asia, have been unjustly jailed and detained;

Whereas Uon Chhin and Yeang Sothearin, who have both worked as journalists for the Khmer (Cambodian) Service of Radio Free Asia, continue to face unsubstantiated charges; and

Whereas Chinese authorities have detained and harassed family members of the Uyghur Service of Radio Free Asia in a campaign of intimidation. Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Radio Free Asia on its 25th anniversary as an independent news organization chartered and funded by Congress with a mission to bring uncensored, accurate news to people living in closed societies in Asia;

(2) honors the dedication and courage of the former and current journalists of Radio Free Asia in the face of threats and adversity from foreign governments and rising risks for press freedom in Asia and across the globe; and

(3) commends the continued effectiveness and success of Radio Free Asia in its pursuit of independence and credible journalism.

SENATE RESOLUTION 395—RECOGNIZING SEPTEMBER 28, 2021, AS “NATIONAL VOTER REGISTRATION DAY”

Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. DURBIN, Mrs. CAPITO, Ms. CORTEZ MASTO, Mr. WICKER, Mr. BENNET, Mr. VAN HOLLEN, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. CARDIN, Mr. BLUMENTHAL, Ms. SMITH, Mr. REED, Mr. WYDEN, Mr. COONS, Mr. BOOKER, Ms. BALDWIN, Mrs. SHAHEEN, Mr. WARNOCK, Mr. CASEY, Mr. KELLY, Mr. PADILLA, Mr. KING, Ms. DUCKWORTH, Mr. BROWN, Mr. MARKEY, Ms. HIRONO, Mr. WARNER, Ms. ROSEN, and Mr. HEINRICH) submitted the following resolution; which was considered and agreed to:.

S. RES. 395

Resolved, That the Senate—

(1) recognizes September 28, 2021, as “National Voter Registration Day”; and

(2) encourages each voting-eligible citizen of the United States—

(A) to register to vote;

(B) to verify with the appropriate State or local election official that the name, address, and other personal information on record is current; and

(C) to go to the polls on election day and vote if the voting-eligible citizen would like to do so.

SENATE RESOLUTION 396—COMMEMORATING THE CENTENNIAL OF THE DEDICATION OF THE TOMB OF THE UNKNOWN SOLDIER IN ARLINGTON NATIONAL CEMETERY

Mr. MORAN (for himself, Mr. TESTER, Mr. INHOFE, Mr. REED, Mr. COTTON, Mr. BRAUN, and Mr. WARNOCK) submitted the following resolution; which was considered and agreed to:

S. RES. 396

Whereas Congress, in the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), directed the Secretary of Defense to take appropriate action in observing the centennial of the Tomb of the Unknown Soldier as a historical event to commemorate the 100th anniversary of the selection and burial of an unknown soldier from the United States, who fell in France during World War I, and honoring the service and sacrifice of millions of veterans;

Whereas, the Society of the Honor Guard, Tomb of the Unknown Soldier has been preparing for the commemoration of the centennial of the Tomb of the Unknown Soldier for